

### **REMARKS**

Claims 1, 2, 5-28 and 38-41 remain pending in the application.

The Applicants respectfully request that the Examiner initial and return a copy of the IDS filed December 19, 2007.

### **35 USC 101 Rejection of Claims 1, 2 and 5-28**

The Office Action alleges that claims 1, 2 and 5-28 are directed to non-statutory subject matter. In particular, the Office Action alleges that the claimed process must be tied to a particular apparatus, by identifying the apparatus that accomplishes the method steps. The Office Action further alleges that the recited "creating a wireless service account", as recited in dependent claims, does not identify the apparatus that accomplishes said method step.

35 USC 101 reads:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

35 USC 101 provides for whoever invents a new and useful "process" may obtain a patent therefor. Applicants' steps of "creating a wireless service account" is but one step in a larger claimed process. There is no requirement within 35 USC 101 for a process type claim to recite the apparatus that performs the process. The Examiner is respectfully requested to withdraw the rejection of claims 1, 2 and 5-28 under 35 USC 101.

### **Claims 9-13 over Hoffman in view of Wired**

In the Office Action, claims 9-13 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 6,980,670 to Hoffman ("Hoffman") in view of *Wired Economic Times* article by Arthur J Paris, dated January 16, 2000 ("Wired"). The Applicants respectfully traverse the rejection.

Claims 9-13 require creating a wireless service account in response to a user having actively interacted with a given web site of a seller of goods or

services that has secured wireless airtime units from a service provider, and providing attraction to the given web site by offering the wireless airtime units to the user in response to the user having actively interacted with a given web site.

The claimed features allow a seller of goods or services to provide attraction to a given web site. As is discussed below, Hoffman and Wired, either alone or in combination, lack any relevance to a method of providing attraction to a given web site, much less through the claimed offering of wireless airtime minutes to a user for having actively interacted with a given web site for wireless airtime minutes secured by a seller of goods or services from a service provider.

The Examiner acknowledges that Hoffman fails to teach that create a wireless service account in response to a user having actively interacted with a website of a seller of goods or services that has secured wireless airtime units from a wireless service provider.” (see Office Action, page 3) Thus, Hoffman fails to disclose a method of attracting customers to a given web site through the claimed offering of wireless airtime minutes.

The Examiner alleges that Wired discloses creating or securing a wireless account with a wireless service provider. The Examiner equates this alleged disclosure to the claimed securing wireless airtime units from a wireless service provider. (see Office Action, page 3)

Applicants' claims specifically recite that a seller of goods or services secures wireless airtime units from a wireless service provider. Wired teaches of a web site, cellmania.com, that allows its customers to “purchase cellular phones and service plans” (see paragraph 17). Cellmania.com is simply a convenient centralized location where users can research and purchase their cell phones and service plans, acting as a web retailer for such goods and services. At best, Cellmania.com secures information to attract customers to its web site. Wired fails to disclose that a seller of goods or services secures wireless airtime units from a service provider, much less to provide attraction to a given web site, as recited by claims 9-13.

Thus, Hoffman and Wired, either alone or in combination, fail to disclose, teach or suggest a method of providing attraction to a given web site with an offer of wireless airtime minutes, i.e., creating a wireless service account in response to a user having actively interacted with a given web site of a seller of goods or services that has secured wireless airtime units from a service provider, and providing attraction to the given web site by offering the wireless airtime units to the user in response to the user having actively interacted with a given web site, as recited by claims 9-13.

Accordingly, for at least all the above reasons, claims 9-13 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 1, 2, 5-8, 21-28 and 38-41 over Katz in view of Hoffman and Wired**

In the Office Action, claims 1, 2, 5-8, 21-28 and 38-41 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 6,424,706 to Katz et al. ("Katz") in view of U.S. Pat. No. 6,980,670 to Hoffman et al. ("Hoffman") and Wired, and claims 14-17, 19 and 20 rejected under 35 U.S.C. §103(a) as allegedly being obvious over Hoffman in view of Katz and Wired. The Applicants respectfully traverse the rejection.

Claims 1, 2, 5-8 and 21-28 recite creation of a wireless service account in response to a user having actively interacted with a given web site of a seller of goods or services that has secured wireless airtime units from a service provider, and providing attraction to the given web site by crediting the wireless airtime units to the wireless service account based on an interaction of the entity with a web site of a seller of goods or services. Claims 38-41 recite creation of a wireless service account in response to the entity having actively interacted with an e-tailer web site, an e-tailer securing wireless airtime units from a service provider, and providing attraction to the e-tailer web site by increasing a count of wireless airtime units when the entity actively interacts with a given feature of the e-tailer web site.

The Examiner acknowledged that Katz “fails to teach creating a wireless service account in response to a user having actively interacted with a given website of a seller of goods or services, said sellers of goods and services securing wireless airtime units from a wireless service provider.” (see Office Action, page 5). The Examiner relies on Wired to allegedly make up for the deficiencies in Katz in view of Hoffman to arrive at the claimed features. The Applicants respectfully disagree.

As discussed above, Wired teaches of a web site, cellmania.com, that allows its customers to “purchase cellular phones and service plans” (see paragraph 17). Cellmania.com is simply a convenient centralized location where users can research and purchase their cell phones and service plans, acting as a web retailer for such goods and services. At best, Cellmania.com secures information to attract customers to its web site. Wired fails to teach that cellmania.com, i.e., an e-tailer or a seller, secures wireless airtime units from a service provider as part of a system and method to provide attraction to a given web site, as recited by claims 1, 2, 5-8, 21-28 and 38-41.

Katz in view of Hoffman and Wired, and Hoffman in view of Katz and Wired, either alone or in combination, fail to disclose, teach or suggest, creation of a wireless service account in response to a user having actively interacted with a given web site of a seller of goods or services, the seller of goods or services securing wireless airtime units from a service provider, and providing attraction to the given web site by crediting the wireless airtime units to the wireless service account based on an interaction of the entity with a web site of a seller of goods or services; and creation of a wireless service account in response to the entity having actively interacted with an e-tailer web site, an e-tailer securing wireless airtime units from a service provider, and providing attraction to the e-tailer web site by increasing a count of wireless airtime units when the entity actively interacts with a given feature of the e-tailer web site, as respectively recited by claims 1, 2, 5-8, 21-28 and 38-41.

Accordingly, for at least all the above reasons, claims 1, 2, 5-8, 21-28 and 38-41 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William H. Bollman", written over a horizontal line.

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